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Subject: N&O: First an ethics complaint, now maybe hearings on Roy Cooper's \$58 million pipeline deal

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RALEIGH

North Carolina legislators might try to force Gov. Roy Cooper or his top aides to testify under oath about a controversial agreement his administration negotiated with the Atlantic Coast Pipeline.

Sen. Bill Rabon, a Republican who leads the powerful Senate Rules Committee, said Wednesday that he wants a joint committee of the state Senate and House of Representatives to hold a formal hearing to compel Cooper to answer questions about the deal. The committee, Rabon noted, would have the power to subpoena records or people to provide testimony.

Cooper, a Democrat, has repeatedly denied that he or his staff did anything wrong regarding the pipeline. That includes the approval of a key environmental permit on the same day it was announced that the companies backing the pipeline had agreed to pay the state nearly \$58 million. The money was supposed to be spent on renewable energy projects and other environmental “mitigation” measures and to make sure Eastern North Carolina has access to natural gas from the pipeline.

A conservative think tank in Raleigh, the Civitas Institute, has filed an ethics complaint against Cooper regarding the fund. Rabon mentioned that complaint in his statement calling for the hearing and also said that Cooper’s office hasn’t been properly transparent with his fellow state leaders.

“It is outrageous that the Cooper administration was selectively providing public records related to the governor’s pipeline scandal to a single news outlet while refusing to provide the same records to the legislature,” he said. Cooper’s administration provided WRAL with early drafts of the fund agreement, something Republicans asked for and haven’t received, the station recently reported.

Rabon has now formally asked the two top legislative Republicans, House Speaker Tim Moore and Senate leader Phil Berger, to launch a hearing into the pipeline and its approval.

Moore is himself the subject of an unrelated ethics complaint, made public Monday. A government watchdog group said Moore may have abused his political power to pressure state regulators not to crack down on pollution violations at an abandoned chicken processing plant he co-owned, and that he may have also had improper influence over taxpayer-funded grants for the plant.

Rabon’s request for a formal ethics hearing, however, only included the allegations against Cooper – allegations that have been dogging the governor since January.

Republicans and Democrats alike have criticized Cooper over the deal, although for different reasons. Democrats have objected to the pipeline in general, citing the potential for pollution. Republicans have called the economic development money a “slush fund” for Cooper.

Cooper owns or co-owns several hundred acres of land along the pipeline's path, although he said none of the money from the fund ever would have been spent on his properties.

Rabon said Cooper's office hasn't satisfactorily answered questions from him and other lawmakers, and that a hearing like this could allow legislators to force people to come answer those questions under oath.

"State law authorizes the General Assembly to compel testimony and obtain public and private records via subpoena when state agencies or executives fail to deliver information in a timely manner," Rabon said.

The focus is now on the process instead of the money itself, since the General Assembly has already taken all the money away from Cooper's office, passing a new law last month that re-directed the funds to public schools near the pipeline's path.

The bill was supported by Republicans as well as many Democrats, and Cooper didn't veto it. But the Democrats who did vote for the bill said they disliked its overtly political nature, which also included an unrelated change to the state's elections board that Republicans had sought.

Cooper later said the new law might endanger the entire \$57.8 million fund, since the pipeline builders agreed to create the fund only for environmental and economic development issues, and not school funding, and that the money hasn't yet been sent to the state.

"We're talking about a fund that hasn't even been funded yet, or set up yet," Cooper said last week at a press conference following a speech he gave to the NC Farm Bureau.

Cooper also defended his staff's work on the deal at that press conference, saying "we crossed all the Ts and dotted all the Is."